PAPERS LAID ON THE TABLE

Sri K. NAGAPPA ALVA (Minister for Health).—I beg to lay on the Table Notification No. LLH 93 LWA 60 (ii) dated 8th June 1961 (The Mysore Maternity Benefit Rules, 1960) as required under section 23 of the Mysore Maternity Act, 1959.—

Mysore Police Bill, 1962—Introduced.

Sri R. M. PATIL (Minister for Home).—I beg to introduce The Mysore Police Bill, 1962.

Mr. SPEAKER.—The Bill is introduced.

MYSORE APPROPRIATION (No. 5) BILL, 1962

Introduced

Sri J. H. SHAMSUDDIN (Deputy Minister for Electricity).—Sir, I beg to introduce The Mysore Appropriation (No. 5) Bill 1962.

Mr. SPEAKER.—The Bill is introduced.

Sri S. NIJALINGAPPA (Chief Minister).—Yesterday I said that I would give the required information about the fee rise. That involves important matters and so I will make a statement on Monday.

Members' Representation

Sri S. SIVAPPA (Sravanabelagola).—Sir, you were pleased to say that you would decide about the date for discussing the no-confidence motion.

Mr. SPEAKER.—I said that I would fix a day. I must take into consideration the work of the House and try to see that I should give the top-most priority to that motion.

Sri C. J. MUCKANNAPPA (Sira).—Sir, what about Sharavathy ?

Mr. SPEAKER.—It has been laid on the Table. A copy of it has been given to me. I will circulate it.

Before I take up the other work, the adjournment motion is a bit important and the Minister for Home was trying to explain yesterday. He said that he wanted five minutes to complete it.

ADMISSIBILITY OF ADJOURNMENT MOTIONS—*re*: Deaths of 62 persons in K. G. F. as a result of consumption of certain intoxicated drinks—

Sri R. M. PATIL (Minister of Home).—Mr. Speaker, Sir, resuming my submission of definition of rule 57 (2), whether this matter is under adjudication or not, I wish to say that adjudication means whether a case is under enquiry or under investigation or under judicial trial. If you take all these words into consideration my submission is that this matter has taken cognisance of the court for judicial consideration.

Mr. SPEAKER.—The hon. Minister my convince me that an enquiry has begun. I will be convinced.

Sri. R. M. PATIL.—Further explanation and interpretation have been dealt with in one of the cases reported in A. I. R. 54, page 1 (Orissa).

The point which was discussed in that case was the point of contempt of court. While discussing that their Lordships were pleased to refer to a number of rulings including British rulings also. On page 3, para 11, Their Lordships have said: "It is possible very effectually to poison the fountain of justice before it begins to flow; it is not possible to do when the stream has ceased." Their Lordships have further discussed the quotation from the House of Lords and said: "The criterion is not whether the court will be influenced, but whether the action complained of is calculated to prejudice the course of justice." Their Lordships further observed "Similarly to comment on a cause which is about to come....." The field is extended—"before the court, with knowledge of the fact, is just as much a contempt as commenting upon a

case actually launched." The matter was more fully discussed and the opinion was clearly expressed by His Lordship the Chief Justice Harwell in the Lahore case referred to above. The pertinent observations are: "In the class of cases of contempt of court where anything is done, which is calculated to interfere with the due course of justice and it is likely to prejudice the public for or against the party, the essence of the matter is the tendency to interfere in the due course of justice. The offence of contempt may be committed even if there is no proceeding....." I am emphasizing this— "...the offence of contempt may be committed even if there is no proceeding or cause actually pending provided that such a proceeding or cause is imminent and the writer of the offending publication either knew it to be imminent or had an information that it was imminent." The question was discussed by Lord Harwell Chief Justice in "Rex *vs.* Daily Mirror." "We are not called upon to consider the question whether there may be contempt of court when proceedings are imminent but have not yet been launched." In the present case the question did not arise for there was a charge sheet, there was arrest and the proceedings had begun. Some day the question may have to be decided. For the moment I would only refer to the passage in the Judgment of Lord Averson, Chief Justice: "The remedy exists where there is a cause pending in the court... ..... It is true that in very nearly all cases which have arisen there has been a cause actually begun." The extenuating fact is that "not that the case had not been begun, but that it has not ended. This is the cardinal consideration. It is possible very effectually to poison the fountain of justice before it begins to flow; it is not possible to do so, when the stream has ceased." Relying upon this ruling my submission is that in this case even the case is launched, the court has taken cognizance of it and the arrest of the accused is there.

Mr. SPEAKER—Have they been arrested ?

Sri R. M. PATIL.—There are two types of cases. One is where there is a charge-sheet or proceedings are pending. Another type is as I have already said just now, contempt of court will be taken and the offence will be complete if the case is likely to come in the immediate future, that is, if proceedings are imminent. In this case, the case has already been launched, the accused are arrested and investigation is going on.

Mr. SPEAKER.—That is why I wanted to know whether in this case any single arrest has been made ?

Sri R. M. PATIL.—Arrests have been made.

Sri P. VENKATAGIRIYAPPA (Kolar).—I do not think arrests have been made.

Sri R. M. PATIL.—Arrests have been made.

Mr. SPEAKER.—The Hon'ble membershould have been better informed because this is a serious matter.

Sri R. M. PATIL.—The proceedings will be filed shortly and so it all depends upon the imminence of the proceedings before the court of justice. Even if the proceeding is not actually filed within the shortest possible time, in that case also the ruling that I have quoted will be applicable to the facts of this case. All these facts will have to be taken into consideration because the court has already taken cognizance of it and further proceedings are pending. Under the circumstances discussion will be *sub judice* and so this is a case where discussion should not be allowed because it is likely to tamper with justice.

Sri V. M. DEO(Gubbi).—May I know the date and time of arrest ?

Mr. SPEAKER.—How is it material ?

Sri V. M. DEO.—It was contended that the arrests were made after the discussion commenced here. If that is so, it may not be *sub judice* to discuss it here. That is why I want to know the date and time of arrest.

Mr. SPEAKER.—It is wrong to say that if the House is seized of the matter and later on if any arrests are made, then that will not prevent the House from further discussion. I do not think that position is right. It all depends upon whether at the moment of discussion arrests have been made or not. Even if the discussion commenced earlier, whether at the time the discussion is going on, arrests have been made, is the point to be considered. If charge sheets have been filed and arrests have been made then it becomes *sub judice* and there should be no longer any discussion on that point thereafter.

ಶ್ರೀ ವಿ. ಎಂ. ಪೇಪ್.—ನಿನ್ನೆಯ ಹಾಗೆ ಈ ವಿಚಾರವು ಎಳೆದಾಡಲ್ಪಡುತ್ತದೆಯೋ ಅಥವಾ ಇವತ್ತು ಚರ್ಚೆಗೆ ಅವಕಾಶ ದೊರೆಯುತ್ತದೆಯೋ ಎಂದು ಅನುಮಾನ ಮಾಡಿದೆ.

Sri G. V. GOWDA (Palya).— The mere fact that the accused has been arrested will not prevent us from discussing it here.

Mr. SPEAKER.—Will it not amount to discussion under clause 6.....

Sri G. V. GOWDA.— No. The distinction is whether it is "before the court" or "before the police."

†Sri GANJI VEERAPPA (Harihar).— An important aspect for consideration is whether after the filing of the F.I.R. the court is deemed to have taken cognizance of the matter. My friends say that only after the charge sheet is filed in court it can be said that it is under adjudication. The wording in the rule has been cautiously used. They have not said case "pending in the court" What they have said is "under adjudication" and not even 'pending adjudication."

The decision just now read by the Hon'ble the Home Minister makes one point very clear *viz.* that even if a case is not launched, if there is any imminent possibility of a case being launched, that is sufficient and in that case it amounts to a contempt of court because in the course of justice if there is any interference, their Lordships have taken notice of it and have convicted the accused because it amounts to interference with the course of justice. It is within our knowledge and you know it, Sir, that as soon as a F.I.R. is filed, we file bail applications and courts take notice of them and grant bail. They do not wait till the charge-sheet is filed.

Sri S. SIVAPPA.—Will any discussion in this House lead to contempt of court?

Mr. SPEAKER.—Apart from the question of contempt of court, we have got our own rules which bind us. Can we transgress those rules?

Sri S. SIVAPPA.—Contempt of court does not at all apply to the Legislature.

†Sri GANJI VEERAPPA.—Whether the matter is *sub-judice* is a matter for consideration. Is this case, what has happened is that an F.I.R. has been filed, arrests have taken place and investigation is going on. So, the matter is clearly *sub-judice* So, any discussion here is sure to interfere with the course of justice because investigation is not complete. So, it is not desirable that the matter be allowed for discussion here. So, the adjournement motion cannot be allowed.

Sri M. V. RAMA RAO (Minister for Law).—Sir, I should like to invite the attention of the House and more especially your attention to the substance of the matter in relation to this adjournment motion. An adjournment motion is designed to take up for discussion a matter of urgent public importance and of recent accurrance with a view to highlight the failure of the Government to act in the manner in which it is expected and intended to act. Here is a case where people have been admitted to the hospital and some of them have died of causes known and others have died of causes unknown, and it is in respect of these deaths due to cause not yet completely diagnosed and established that the police have been carrying on investigations and arrests have been made. As my friend the Home Minister just now explained to the House, there is imminence of judicial proceedings being commenced before a court of law. To my understanding, the question whether a matter can be said to be *sub-judice* merely because a F. I. R. has been laid before a court or whether it becomes *sub-judice* after a charge-sheet has been presented to the court

is not of much impartance as I shall endeavour to explain. The essence of the matter is whether Government have failed to take steps to d al with the situation. That is the matter upon which, if I were in the Opposition, I should have striven to lay emphasis and to highlight the failure of the Government in meeting the situation created by those deaths. Is it the case of the Leader of the Opposition who has tabled this notice of adjournment motion that Government have failed to take steps in regard to the deaths that are reported to have occurred ? I am sure that is not his case, because he knows that action has been taken. People who went sick were taken to the hospital, were admited to the hospital and were treated there. Some of them collapsed; others are alive. It is from those who were treated successfully that usefull information must have been elicited by the investigating authorities in respect of the causes or the probable causes of the deaths of those who succumbed to whatever ailments they were suffering from, in the hospital. These are the circumstances in which Government have been taking steps to deal with the situation as it has arisen. It is not as if these deaths have been caused by any remissness on the part of the Government. If as it is reported in the newspapers some of these persons consumed something which was poisonous or deleterious to human health and met with their end; the normal course of law will proceed to ascertain what was happened, the why and wherefore of it, who are responsible for what has happened and what action should be taken if any offence against any law has been committed. That is the position.

In regard to the wisdom of having a discussion on the merits of the case, I should like to say that this House is, competent as it is to do a number of things, certainly is not competent to usurp the functions of a court of law. We cannot prevent the trial of a criminal case in a court of law by insisting that the filling of a charge-sheet should be delayed in order that this House may have an opportunity of going into the facts of the case and expressing its views in regard to whether the persons have committed an offence or not. That is not the legitimate function of this House. We are not a judicial body in the sense in which the House of Lords can be supposed to be. We are here dealing with a matter in its public context—in the context of what the administration is expected to do and whether it has failed to take action. That is the context in which we are considering this matter and in that context I should like to say that Government have not only acted but have acted with the utmost seriousness and earnestness and have taken every possible step to see that if any persons can be found to have been responsible for causing these deaths, they should be put up for trial before a court of law. Those steps have been taken and everything that is humanly possible have been done with reasonable speed and with reasonable efficiency. I do not see what useful purpose could be served by trying to discuss the matter based upon what one has read in one newspaper or another. After all, newspapers have their own sources of information and there are limitations from which newspapers are bound to suffer in regard to the verification of the items of news that they come across. While I have no intention of making any kind of observations in regard to what the Press has published or what the different newspapers have published, I must say that in regard to the cases of death and in regard to the number of deaths reported there must be some discrepancy some where in the newspaper versions and time alone can show which version was accurate and which version has not been properly verified.

10-00 A.M.

Then, Sir, in regard to the discussion of a matter of this kind in this House, there is another aspect of it.

This House, no doubt, is competent to carry on a discussion on any matter which you consider it legitimate for this House to take up. At the same time, it is not as if the privilege which the Members of this House enjoy in

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regard to their right of speech and the right of debate on any issue whatever, is shared by other persons who are privileged to sit in this House, for instance, in that Gallery—Gentlemen of the Fourth Estate—our esteemed friends, the Press Representatives, they would be, in reporting the proceedings of this House, exposed to the risk of perhaps committing contempt of Court. If the Courts were to take the view that the Court having been seized of the matter in the sense that the alleged offence having been reported to a Court of Law and proceedings having been taken consequent upon that information having been laid before the Court—for this Legislative Assembly to debate the incidents that have happened or have not happened and for the Press to report what is debated in this House, would perhaps expose them to that risk, because, as I said the privilege in regard to the right of speech, the scope of the freedom of speech enjoyed by Members of this House is not shared by the Press, there is that natural and legal curtailment of what may be called the freedom of speech. They do not enjoy any immunity in regard to the legal consequences.

Mr. SPEAKER.—Now the House will rise for tea and meet again after half an hour.

The House Adjourned for Recess at Five Minutes past Ten of the Clock and met again at Thirty Minutes past Ten of the Clock.

(MR. SPEAKER in the Chair).

Sri. M. V. RAMA RAO.—Sir, I was saying that while this House undoubtedly has the privilege of discussing any matter of public importance, that discussion has to be carried on in such a way that no usurpation of the functions of any other organ of the State will ensue as a consequence of that discussion. A great deal was said by several Hon'ble Members in regard to the point of time at which a matter which goes before a Court of Law becomes what is called *sub-judice* or a matter pending judicial decision. Now when we use that expression, I think it would be as well that we confine ourselves to the expression used in our Rules of Business. In Chapter VIII of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly framed under Article 208 (1) of the Constitution of India, rules are laid down in regard to the Motion for Adjournment on a matter of public importance and Rule 52 lays down what are described as restrictions on the right to make a Motion. "The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions." There are a number of restrictions and the 7th restriction is "the motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India." When a matter can be said to be under adjudication by a Court of Law, is a thing which will have to be determined with reference to the facts of each particular case. The Hon'ble the Home Minister earlier this morning pointed out the view taken by one of the other High Courts in the Indian Union in regard to the question of a matter entailing contempt of a Court of Law. Where a matter is for a Court of Law to decide, where it is the function and the exclusive function of a Court of Law to decide whether an offence has been committed and if so, by whom and what punishment should be given to the offenders, when such a matter goes before a Court of Law, whether it is reasonable, whether it is proper for any other body including the Legislature to go into the facts of that case and to try to arrive at conclusions which according to the lights of those who engage in the discussion or the debate may be quite relevant but in the context of the matter being put up for adjudication before a Court of Law is bound to deflect the process what may be called the due process o law. Sir, persons supposed to hav

committed offences, supposed to have been responsible for making available whatever it was that was consumed by some of these persons who are reported to have died, persons from whom these deleterious substances were obtained or were taken, obviously it would be those persons who would be put up for trial in a case like this, and are we going to sit here and carry on a debate as to whether they committed an offence and if so what offences they committed and what should be done with them and so on and so forth; is that what we are proposing to do here, I would like to know? On the other hand, if persons were found dropping dead on the way-side and if no action was taken to find out why persons who were sick, vomiting and suffering from diarrhoea were allowed to perish on the road-side, instead of being admitted to Hospital as was done and treated in the Hospital by competent medical men it would be different any of them have been successfully treated and are on the road to recovery and are quite well again, but a few unfortunately collapsed, not because medical attention was not given to them, not because the Government failed to deal with such cases and give protection, which every citizen of the State is entitled to receive from the State, but because of something they chose to do themselves. That is a matter for the Court to decide. Whether it was an attempt to commit suicide, whether it was a deliberate attempt by someone else to poison them and kill them, that is a matter for the Court to decide. If persons have been put under arrest and have been produced before a Court of Law, let out on bail or remanded to Police or judicial custody and proceedings initiated in order to put them up for trial, I wonder what it is that a Legislative Assembly can do in regard to these matters. As I said, I quite appreciate that if in spite of these things having happened there, no action was taken by the Police authorities for apprehending possible offenders and for subjecting them to the course of law, here for debate, a question may be raised. The Hon'ble the Health Minister who made a statement yesterday in the House and the Home Minister who spoke on this matter yesterday as well as this morning, both of them, have informed the House that the Hospital authorities have reason to believe that these deaths may be due to poisoning.

†**Sri K. P. REVANASIDDAPPA.**—On a point of Order, Sir.

ಈ ವಿಷಯವನ್ನು ನಿನ್ನೆ ದಿವಸ ಚರ್ಚೆ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಇದು Pending Adjudication ಆಗುತ್ತದೆಯೇ ಇಲ್ಲವೇ ಎಂಬ ಅಂಶವನ್ನು ಮಾತ್ರ ಕುರಿತು ಮಾತನಾಡಬೇಕೆಂದು ತಾವು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದಿರಿ. ಅದರಲ್ಲೂ ಕೋರ್ಟುಗಳಲ್ಲಿ ಆಗಿರುವ ತೀರ್ಮಾನಗಳನ್ನು ಮಾತ್ರ ಪ್ರಸ್ತಾಪ ಮಾಡಬೇಕೆಂದರು, ಮಿಕ್ಕ ವಿಷಯಗಳನ್ನು ಹೇಳುವ ಆವಶ್ಯಕತೆ ಇಲ್ಲವೆಂದಿದ್ದರು. ಹೀಗಿರುವಲ್ಲಿ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಯಾವುದು ಬೇಕಿಲ್ಲವೋ ಅದನ್ನು ಸೇರಿಸಿಕೊಂಡು ಮಾತನಾಡುತ್ತ ಈ ಸಭೆಯ ಕಾಲವನ್ನು ಕಳೆಯುತ್ತಿದ್ದಾರೆ. ಚಾರ್ಜಷೀಟ್ ಹಾಕಲಿ ಎಂದು ಹೇಳಿ ಬೇರೆ ಬೇರೆ ವಿಷಯಗಳನ್ನೆಲ್ಲಾ ವ್ಯಥಾ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಈ ಸಂದರ್ಭವನ್ನೆಲ್ಲಾ ನೋಡಿದರೆ, ಈ ಸಭೆಯಲ್ಲಿ ಈ ವಿಷಯದ ಮೇಲೆ ಚರ್ಚೆ ನಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡುತ್ತಾರೋ ಇಲ್ಲವೋ ಎಂಬುದೇ ಅನುಮಾನಕ್ಕೆ ಅನ್ವದವಾಗಿದೆ. ಆದ್ದರಿಂದ ಮಾನ್ಯ ಮಂತ್ರಿಗಳೇನಿದ್ದರೂ ಕೋರ್ಟಿಗೆ ಈ ಕೇಸು ಹಾಕುವುದಕ್ಕೆ ಮುಂಚೆ ಇರುವ ಕಾಲದಲ್ಲಿ ಈ ವಿಷಯವನ್ನು ಚರ್ಚೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲು ಏನು ತೊಂದರೆಯಿದೆಯೆಂದು ವಿವರಿಸಬೇಕೇ ಹೊರತು ದೀರ್ಘವಾದ ಭಾಷಣ ಮಾಡುವುದು ಸರಿಯಲ್ಲವೆಂಬ ವಿಷಯವನ್ನು ನಾನು ಅಧ್ಯಕ್ಷರ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ.

Mr. SPEAKER.—There is entirely nothing like a point of order in what he has said. He is having doubts in his mind which he is entitled to entertain and develop as he likes.

Sri M. V. RAMA RAO.—Sir, I see that the Hon'ble Ministers who spoke before me informed the House that the hospital authorities have reason to suspect that these deaths may be due to some kind of poison which may have been consumed and in one case where the autopsy was held, the viscera have been sent to the chemical analyser for making a report in regard to the contents of the stomach of the deceased person. Now, if the chemical analysis establishes that any deleterous or poisonous substance was found to have been consumed by them or some other persons who have died as a consequence of what they are supposed to have consumed, then the persons from whom the substance was obtained and the persons who vended other things in the

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form of drinks or something else (as alleged by reports) which might have contained this poison, all those persons would be likely to be hauled up before the courts as accused persons and it is they who have to take their trial before the court of law. There is almost next to nothing that can be done in regard to the persons who are dead and even regard to people who have been treated in the hospital; probably they would be in a position to give valuable evidence before the court when the trial does take place.

Having regard to these things, it appears to me, Sir, that no useful purpose can possibly be served by seeking to debate this mater in this House because the kind of things that are bound to be said during a debate on a matter of this kind are such that they must result in impairing the due process of law and would adversely affect the quality of the trial which the accused persons will have to face. The jurisprudence according to which criminal trials are held in our State, in this country, presumes that every person is innocent until he has been proved guilty of an offence against the law and it also equires that every accused person taking his trial before the court of law will have a fair trial. And having regard to these factors which are of a fundamental importance, I am sure every Hon'ble Member of this House will agree that whether persons are guilty of an offence or not has to be determined by a court of law and when that matter is to be determined by a court of law, it is not for us to take it upon ourselves and try to discuss that matter with a view to arriving at conclusions about the guilt or the innocence of persons who are to take their trial before a court of law. As I already said, the Legislature cannot usurp the functions of the judiciary. The Legislative Assembly cannot function as a Magistrate's court. It is for the Magistrate to try these accused persons and to come to the conclusion whether they are guilty or innocent. That is the matter.

Then, in regard to the fact that the first information report has been placed before the court, it was sought to be made out that does not make the matter one which is pending adjudication before the court. In regard to that, the Home Minister has already read out reported decisions of one of our High Courts and while most of these matters relate to the law of contempt, we have to appreciate that what is debated here can have two possible effects. One is, it may implicate persons who do not share the privilege in regard to the freedom or right of speech which members of this House enjoy. It may subject other persons who do not have that privilege to the jurisdiction of the court in the exercise of the authority possessed by the court under the Contempt of Courts Act. The other possible effect is, whatever may be said in this House during the course of the debate is undoubtedly bound to prejudice the fair trial of the accused persons. Sir, I am sure that every member of the Opposition, many of whom are lawyers who have an adequate understanding of what is due to an accused who has to take his trial before a court of law, will appreciate that the best thing for the Assembly is to leave the matter which has been put before a court to be decided by the court and if outside that particular matter, if in regard to this incident any omission on the part of the executive authority is still found to have been committed, that could be a matter for debate. That Government failed to do this or that thing, those matters could be said not necessarily upon a motion for adjournment of the business of this House, but during the debate on a much wider motion which has now been placed before this House, the Motion of No Confidence against the Government. That motion was read out yesterday and you were pleased to indicate to the House that you would allocate the time for a debate on that motion. If Hon'ble Members feel that Government have been guilty of failure to act in regard to any matter including the matter that has been sought to be raised in this adjournment motion, they could make such reference to it as they think fit subject, of course, to the matter being dealt with in the court of law.

Sri V. M. DEO.—On a point of order.

Mr. SPEAKER.—Point of Order should always be quick.

Sri V. M. DEO.—Do I get time to explain it or not?

Mr. SPEAKER.—He must state the point first. If I find anything in it, I will allow. Otherwise he will be disturbing the even tenor of the House. He must state "this is my point of order and these are my reasons."

Sri V. M. DEO.—It relates to the way in which the business of this august House is being carried on regarding this adjournment motion and that is what it relates in a nutshell. The point is that the Hon'ble Minister for Law has expounded elaborately with all the erudition. I have the greatest esteem for him. The House has heard him. I recall what I stated. I agreed with him substantially in part excepting the latter portion of it. The point is, these adjournment motions are raised just to see that Government takes action. We have to consider in this connection, whether dragging on the question like this will not defeat the purpose with which the adjournment motion is raised. I do admit that erudition is a good thing—in fact I am jealous of him for that matter—but it will become sterile if it is not for public good. It will not contribute anything so far as administration is concerned. If proper medical treatment had been given to those people, it would have averted the thing of this sort. This is an important point. Against this background we have to consider this case. We have almost disowned the policy of prohibition.

Mr. SPEAKER.—The Hon'ble member rose to a point of order.

Sri V. M. DEO.—Sir, if thoughts come to my mind, I cannot but tell them. I request the Chair to be kindly reasonable to me

Mr. SPEAKER.—The hon. member is trying to develop something but he is not doing that. Now he says about implementation. The question of implementation or action to be taken is not a point of order.

Sri V. M. DEO.—The Hon'ble Minister said that he had taken action by arresting and taking them to hospitals. He said that by discussion of this matter here, the trial might be prejudiced.

Mr. SPEAKER.—What exactly is the point?

Sri V. M. DEO.—Sir you will appreciate that if time elapses, this matter can become *sub judice*.

Mr. SPEAKER.—There is no point of order. I will give the member five minutes more and he must finish his speech.

Sri V. M. DEO.—I will try to finish within five minutes and afterwards I shall sit down or go out.

Mr. SPEAKER.—The Hon'ble Member is at perfect liberty to do as he likes.

Sri V. M. DEO.—I said that I would try to finish my speech within five minutes. If it is not possible I will sit down or go to the lounges. Is there any objection for that?

Mr. SPEAKER.—I will give the Hon'ble member five minutes.

Sri V. M. DEO.—Sir, another thing is about the Press. They almost voice the views of the Government.

Though the Hon'ble Minister finally quoted about starting judicial proceedings the point we have to consider is whether actual proceedings have been instituted in the court. That has been denied by the way the discussions are going on here and I feel that room should not have been given for coming to judgment. That is the point of order.

Sri M. V. RAMA RAO.—I was saying that our rule in regard to adjournment motions requires that the motion should not deal with any matter which is under adjudication by a court law having jurisdiction in any part of India. The exact meaning of a matter being under adjudication in a Court of Law has been dealt with in various contexts. In this House for instance in the year 1958 in regard to a certain matter this question arose and I find from the proceedings of the House dated 19th March 1958, the Hon'ble, the Speaker, has dealt with the matter

11.00 A.M.

What the Speaker said was:—

"The question therefore arose for decision as to whether such an enquiry would preclude consideration of these adjournment

(SRI M. V. RAMA RAO)

motion in the House and I requested the Advocate General to speak on this issue. On the 11th instant the Advocate General expressed his views on the question of *sub judice* in relation to these motions. He stated that an enquiry was being conducted into the cause of death of Smt. Muniamma by a Magistrate under section 176 of the Criminal Procedure Code. He stated that while article 194 of the Constitution conferred on the members absolute privilege of freedom of speech and no action would lie against any member for contempt of court or defamation or any other kind of action in respect of speeches made on the floor, nevertheless the House had itself imposed certain restrictions on this freedom of speech. One of them was to shut out debate or speeches in regard to any matter which was under adjudication by a court of law having jurisdiction in any part of India. He next expressed the view that what was ruled out of debate by this limitation under the Rules of Procedure must be treated as co-extensive with whatever was treated as contempt under the Contempt of Courts Act. Speaking in particular as to the nature of proceedings under section 176 of the Criminal Procedure Code, the learned Advocate General referred to certain decisions particularly A.I.R. 1928 (Bombay) page 300 and A. I. R. 1940 (Rangoon), and stated that proceedings under section 176 of the Criminal Procedure Code are judicial proceedings and any comment in respect of them would amount to contempt. He next advanced the view that as laid down in I. L. R. 1939 Madras A. I. R. 1943 Labore, an offence of contempt may be committed even if there is no proceeding or cause actually pending, provided that such proceeding or cause is imminent and the writer of the offending publications either knew it to be imminent or should have known that it was imminent. The learned Advocate General has subsequenty written to me to say that he has come across a more recent decision of the Punjab High Court in which it has been held that a Magistrate holding an enquiry under section 176 of the Criminal Procedure Code cannot be considered to be performing the functions of a Court of Law. He has stated in his letter that any comment outside the House not being contempt in the circumstances there is no restriction of comment within the House. In view of this desision and the view now expressed by the learned Advocate General, I must hold that for the purpose of rule 40 (f) an enquiry under section 176 of the Criminal Procedure Code cannot be considered to be a matter which is under adjudication by a court of law."

This is how the Speaker dealt with this matter on 19th March 1958. There the enquiry was being made under different circumstances and in regard to other facts. I have just this to say in regard to what should be regarded as important for deciding whether this matter should be discussed here or not and that is this. Do we want to prejudice the fair trial of the case ? Do we want to take away the right of the accused persons facing a trial before a court of law for having a fair trial ? That is one aspect. The other aspect is, is there anything or anything more which Government in the exercise of its executive authority could do or could have done in regard to these reported deaths ? Those are the considerations which are germane and which are relevant for the purpose of deciding whether this matter could be debated on a motion for adjournment of the business of this House.

† **Sri V. S. PATIL** (Belgaum I).—Sir, this is one of the most important subjects regarding the privilege of this House to discuss a certain matter. I have heard very patiently the Hon'ble Law Minister when he said or

rather when he mixed up matters about the rights and privileges of this House with the facts and the offences that may be enquired into by courts of law. So far as the adjournment motion is concerned, we have absolutely no concern whatsoever with the nature of the offences committed by the persons or the enquiry held by the police.

Mr. SPEAKER.—Does he agree with the proposition ennunciated by the Minister for Law ?

Sri V. S. PATIL.—I am touching only that point. Whatever he has said regarding the facts of the case and the trial of these things are not relevant at all so far as we are concerned. We have to see whether according to our procedure this matter comes within the purview of clause (8) of rule 52.

Mr. SPEAKER.—Is that clause regardless of *sub judice* ?

Sri V. S. PATIL.—Here the wording is "which is under adjudication by a court of law". That is the only wording. So we have to see whether it comes within the purview of this wording or not. For this purpose I would like to submit that the previous ruling of the Speaker which was quoted by the Law Minister dated 19-3-1958 completely favours our view that i t is not a *sub-judice* matter. Firstly, I would like to submit that it has been clearly defined in the Criminal Procedure Code what are the offences a Magistrate or Sessions Court or the High Court is entitled to take cognizance of. The relevant sections are from sections 193 to 199. According to law the First Information that is referred to comes under sectiod 154. That First Information is given to the Police. Here we have to make a distinction. The First Information given to the police under section 154 is not a judical document at all because the police send only a copy of that and not the original to the court. The original First Information is always lodged in court only when the enquiry or the trial begins. There are 3 stages the first is investigation by the police, then enquiry by the Magistrate and then trial. So far as the first stage investigation by the police is concerned, it has absolutely nothing to do with the judical authority. The copies of the starting of the investigation and the further progress are supplied to court in order to see that the police do not tamper with proceedings and do not change the records.

Mr. SPEAKER.—Does the hon. member seriously maintain the point that there is a distinction between sending a copy to the court and keeping the original in the police station ?

Sri V.S. PATIL.—Yes. I am making a distinction. The court is not seized of the matter when only a copy is sent. It is not within the power of the court to start proceedings on that copy.

Mr. SPEAKER.—Suppose the original itself is sent, what would be the position ?

Sri V. S. PATIL.—Unless the original is proved in court it cannot have any evidentiary value and it cannot be acted upon.

Mr. SPEAKER.—I am not saying about the evidentiary value. If a copy is sent to the court, is the court seized of the matter. Kindly enlighten me further with regard to the copy and the original making any difference at all.

Sri V. S. PATIL.—The copies of everything right from the First Information Report to the end of investigation are sent to the court. For what purpose ? Not for taking cognizance of the offence. When the charge is sent up, then alone the court can take cognizance. The police are bound to supply these copies in order to see that they do not tamper with the evidence or create fresh evidence. That is why I say that, even though copies of the First Information Report or any other proceedings are sent—they call them case diary—the court cannot take cognisance unless the charge-sheet is sent by the police. It is only when the charge-sheet is sent that the police can take cognisance. From that stage the court is seized of the matter and the matter can be said to be under adjudication under our Rules.

Secondly, the Law Minister has explained so many facts. I am not going into the facts because those

(SRI V. S. PATIL)

facts will be discussed and answered by the Government if the motion is allowed. We cannot go into the facts as to whether a particular offence has been committee or whether anybody has committed an offence. This House is not concerned with that; it is the jurisdiction of the courts and we are not going to encroach upon the authority of the courts at all. But we want to see whether the Government have failed in their duty in this particular matter. It is said that some kind of illicit liquor or something like that was drunk and that the people who have drunk it, have suffered. The point is whether the Government have taken sufficient steps to see that such things do not occur. So, I submit that the motion that is moved is completely within our Rules of Procedure and it will have to be admitted because of the large number of deaths that have occurred.

†SRI S. M. KRISHNA (Maddur).—Sir, this is a very important question. As all of us have stressed, this is a question of drawing a line between the power of the Legislative Assembly to deliberate upon a matter of public importance and the power of a court of law. I have listened to the statements made both by the Home Minister and the Law Minister with a good deal of attention. The point at issue, as very rightly pointed out by Law Minister, is whether the cases have reached the stage of adjudication. In our opinion, it has not reached the stage of adjudication. Simply because a copy of the F. I. R. has been forwarded to the Magistrate, we are not sure whether the cases have been launched and if they have been launched, under what section of the I.P.C. or the Criminal Procedure Code? So, we are absolutely in the dark in so far as these facts are concerned On the other hand, we have certain positive facts *viz.* that there have been certain deaths and that they have been due to certain causes which directly reflect on the policy of the Government True, we are in the Opposition. It is question of our own right to focus public attention as well as to draw the attention of the Government to the failure of certain of its policies. Now, if in every instance Government were to come before this House and say that the F.I.R. has been placed and therefore the matter is under adjudication, virtually the Legislature will be forced not to open its mouth and thereby we will be shutting out discussion on a vital matter of public importance. So, this is a very grave matter and we will have to devote a good deal of thought and to dig deep into the various decisions given by the High Courts in our country and into certain of the decision given by the other countries as well. But I think the paramount fact is whether this Assembly has the right or whether it owes to itself to discuss a matter of grave public importance. After all, these rules are framed not by any other body; we in our wisdom have framed them. We are solely guided by the rules we overselves have framed. When we speak in terms of *sub judice* or adjudication, I think we will have to speak primarily as members of the Legislative Assembly. I for one feel that we need not concern ourselves with the courts of law. I respect the courts of law, their jurisdiction and their authority ; I also equally respect the authority of the Legislative Assembly. I respect the authority of the Legislative Assembly to go into a matter of grave public importance. At this rate, I am afraid we will just be putting a clog in the wheel and shutting out discussion on certain matters of public importance. In view of this, I make a very humble suggestion that the Speaker would be pleased to hold over the ruling on this vital matter till Monday so that we can go deep into this question and find out little more as to what has happened and what is going to happen.

SRI G. V. GOWDA.—Sir, the first information is given in order to enable the police to proceed with the investigation. It sets the police in motion in investigating matters. The filing of a charge-sheet sets the court in motion in making an enquiry. So, the court is seized of the matter only when the

case is reported to the court and the case would be reported to the court only when the charge-sheet is filed. It is only when the charge-sheet is filed, the court takes cognizance of it and that is what is envisaged in the Criminal Procedure Code. In this connection, I may mention that the distinction between F. I. R. and filing of charge-sheet is dealt with in A. I. R. 1948, Calcutta, page 610. Merely because a copy of the First Information Report is sent to the court does not mean that the court can initiate proceedings unless *Prima facie* case has been made out by the police by means of a charge-sheet.

Therefore, I submit that it does not amount to *sub judice*, before a Court takes cognizance of the matter. It would go only when the charge-sheet is filed. It has been said that the matter is not of public importance or we are trying to interfere with the courts of justice. Sir, what is the thing that is sought by the adjournment motion now pending before the House is only to raise a discussion about the deaths by some persons in K. G. F. area on account of the consumption of alchohol which is poisonous or other wise. In my opinion it seeks to raise a discussion on the policy of the Government in not having been successful in implementing the Prohibition policy. Here, two facts are conceded. One is that there have been deaths and the other is that the deaths are due to consumption of some alchohol or illicit liquor.

Mr. SPEAKER.—Can I modify the proposition which has been put through, to say that the discussion will relate to the failure of the Prohibition policy ?

Sri G. V. GOWDA.—You might, Sir.

Mr. SPEAKER.—The movers of the resolution must say whether they accept it.

Sri S. M. KRISHNA.—This is also part of the adjournment motion. The whole thing is a resolutiou of the failure of the Prohibition policy of the Government.

Mr. SPEAKER.—If itis a failure of the policy of Prohibition, then there is no question of this mighty debate about the matter being *sub judice*, or otherwise pending enquiry and all that.

Sri S. M. KRISHNA.—The policy of the Government with reference to Prohibition-with particular reference to the deaths of 60 persons in K. G. F. area.

Sri G. V. GOWDA.—The failure of the Government is in not having been able to successfully implement the Prohibition Act. It may lead to that. Two facts are conceded. This the House may be allowed to discuss. We do not intend to find out the people from whom this illicit liquor was purchased. All these things this House is not inclined to discuss. There are deaths due to the consumption of illicit liquor containing poison. Deaths are due to consumption of illicit liquor having poison or some other thing. That further shows that there is some thing about the failure of Government machinery in not having been able to set this matter at rest. That point we want to discuss.

Sri M. V. RAMA RAO.—The Hon'ble Member is seeking to formulate a new proposition that the issue which has to be discussed on the adjournment motion is the failure of the Prohibition policy. Without making any reference whatever to what has happened in Kolar Gold Fields, I am sure the Hon'ble Members of this House will see that the successful enforcement of Prohibition, the enforcement of the prohibition law by the authorities charged with the duty of execution, it is that that leads to incidents of this kind and this is a matter which they seem to have lost sight of. Phenyle,for instance, is freely obtainable for purchase. If a man is unable to get liquor in a dry district and chooses to drink phenyle and die of it,they want to charge the Goverment for failure to enforce Prohibition. That is how the Opposition is trying to formulate their policy in regard to prohibition.

Sri C. J. MUCKANNAPPA.—May I request the Chair to straightaway take a decision whether it is allowing or rejecting it ? We have heard enough. We have spent more than 5 hours on this matter.

Mr. SPEAKER.—I want to know as to how this could be brought under the 'no-confidence' motion. They have mentioned 5 points. These cannot come up specifically for discussion under that. In these, problems are thrown open for debate.

Sri M. V. RAMA RAO.—I am not quite clear whether the Government can amend the motion of no-confidence.

Mr. SPEAKER.—Even if it is so amended, whether it is under no-confidence motion or adjournment motion, the difficulty of matter being *sub judice* is there.

Sri M.V. RAMA RAO.—It is entirely for the Members of the opposition who have tabled the motion of no-confidence to choose which of the items they will take up for discussion in order to establish the charges they have brought against the Goverment. Sir, in regard to the motion for adjournment all that has been said would enable you to make up your mind as to what to do with the notice of motion for adjournment.

Sri K. LAKKAPPA (Hebbur).—The Hon'ble Minister suggested that we could make a reference at the time of moving No confidence motion for discussion. All the while, the Hon'ble Law Minister was defending that it amounted to contempt of court. How can the Law Minister make a reference to this?

Sri . M. V. RAMA RAO.—The Hon'ble Member will very easily find out what the law of contempt is.

†**Sri S. RAJAGOPAL** (Kolar).—We have not touched any question of Prohibition policy at all. It only refers to a situation. Yesterday some situation was there. To-day a little advance has been made by the Ruling Party. Yesterday in the statement ofthe Health Minister, he mentioned that only F.I.R. was filed. To-day the Home Minister tells that certain persons have been arrested. Yesterday itself the Deputy Inspector General of police has rushed to K. G. F., to make the situation a little more helpful for argument for the ruling party. So, I request the Chair, to give the ruling irrespective of spending time further to enlighten the House on whether this motion will be accepted or not. If it is going on like this, adjournment motion itself will fail. That is the only request I want to place before you, Sir.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಸ್ಪೀಕರ್, ಈ ನಿಲುವಳಿ ಸೂಚನೆಯನ್ನು ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಲು ಅವಕಾಶ ಕೊಡಬೇಕೆ ಅಥವಾ ಬೇಡವೆ ಎನ್ನುವ ವಿಚಾರದಲ್ಲಿ ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತ ಪಡಿಸಲು ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದೀರಿ. ಈ ಬಗ್ಗೆ ಗೃಹ ಸಚಿವರು ಮತ್ತು ನ್ಯಾಯಾಂಗ ಸಚಿವರು ಹಾಗೂ ಸದಸ್ಯರೂ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಹೇಳಿದ್ದಾರೆ. ಈ ವಿಷಯದಲ್ಲಿ ನಾನು ಏನು ಅಭಿಪ್ರಾಯವನ್ನು ಹೇಳಬಾರದೆಂದಿದ್ದೆ, ಆದರೆ ಚರ್ಚೆ ಆದ ಮೇಲೆ ನಾನೂ ಹೇಳಬೇಕೆಂದೆನ್ನಿಸಿತು. ಶ್ರೀಮಾನ್ ಪಿ. ಸ್. ಪಾಟೀಲ್ ಅವರು ಹೇಳಿದಂತೆ ಮುಖ್ಯ ಅಂಶ ಇದುವರೆಗೂ ಚರ್ಚೆಯಾಗಿದೆ. Any matter under Adjudication ಎನ್ನುವುದರ ಮೇಲೆ ತಾವು ಸಭೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ತೆಗೆದು ಕೊಂಡಿದ್ದೀರಿ. ಯಾವುದಾದರೂ ಕೋರ್ಟಿನಲ್ಲಿ ಇದು ಪರಿಶೀಲನೆಯಾಗುತ್ತಿದೆಯೆ ಎನ್ನುವುದು ಪ್ರಶ್ನೆ, ಯಾವ ವಿಷಯವನ್ನು ಒಂದು ಕೋರ್ಟು ಕೇಸಿನ ರೂಪದಲ್ಲಿ ವಿಚಾರ ಮಾಡುತ್ತಿದೆಯೋ ಆ ವಿಷಯದಲ್ಲಿ ಈ ಸಭೆ ಚರ್ಚೆಮಾಡುತ್ತಿಲ್ಲ. ಯಾರ ಮೇಲೆ ಕೇಸ್ ಹಾಕಿದ್ದಾರೆ ಎನ್ನುವ ವಿಷಯವಲ್ಲ, ಇಂಥ ಘಟನೆ ನಡೆಯಿತೆ ಎನ್ನುವುದು, ಎಷ್ಟು ಜನರು ಸತ್ತರು, ಏನಾಗಿದೆ ಎನ್ನುವ ಅಂಶ ಮುಖ್ಯ, ಏಕೆ ಹಾಕಿದ್ದಾರೆ, ಏಕೆ ಬಿಟ್ಟಿದ್ದಾರೆ ಎನ್ನುವ ವಿಷಯವನ್ನು ನಾವು ಚರ್ಚೆ ಮಾಡುತ್ತಿಲ್ಲ. ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಾದರೆ, ಈ ಬಗ್ಗೆ ಇಷ್ಟು ಚರ್ಚೆ ಮಾಡುವುದಕವಕಾಶವಿಲ್ಲ ಯಾರೋ ಪೋಲೀಸರು ಕೇಸ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದುದರಿಂದ್ಕ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

'As the Court is seized of this matter it is under adjudication' ಎಂದು ತೀರ್ಮಾನ ಮಾಡುವುದಾದರೆ ಈ ಸಭೆಗೆ ಈ ವಿಷಯವನ್ನು ಚರ್ಚೆಮಾಡುವ ಅವಕಾಶವೇ ಹೊರಟು ಹೋಗುತ್ತದೆ. ಎಷ್ಟೋ ಸಲ ದೇಶದಲ್ಲಿ ಬೆಂಕಿ ಅನಾಹುತವಾಗುವುದನ್ನು ಚರ್ಚೆ ಮಾಡುತ್ತಿದ್ದೇವೆ. ಬೇರೊಂದು ಅನಾಹುತವಾದರೆ ಈ ಸಭೆಯ ಮುಂದೆ ಬರುತ್ತದೆ ಅಂಥಾ ಸಂದರ್ಭಗಳಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ಯಾರ ಮೇಲಾದರೂ ಒಂದು ಆಪಾದನೆ ಇದ್ದೇ ಇರುತ್ತದೆ. ಅಂದಮೇಲೆ ಅದನ್ನಿಲ್ಲ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ವಿಲ್ಲವೆಂದು ಭಾವಿಸುವುದು ಸಾಧ್ಯವೇ, ಏಕೆಂದರೆ ಅದು ಒಂದು ರೀತಿಯಲ್ಲಿ adjudicate ಆಗುತ್ತಿದೆಯೆಂದು ಪೋಲೀಸಿನವರು ತಪ್ಪು ಮಾಡಿದವನನ್ನು ಹಿಡಿದುಬಿಟ್ಟಿದ್ದಾರೆ. ಅಥವಾ ಬೇರೆಯಾರನ್ನೋವನ್ನು ಹಿಡಿದಿದ್ದಾವೆಂದ ಮಾತ್ರಕ್ಕೇ ಅದು adjudication ಆಗುತ್ತಿದೇ? ಹೀಗೆಲ್ಲಾ ಹೇಳಿಬಿಟ್ಟು ಕೋರ್ಟಾರದ ಕಡೆಗೆ ಹೋಗುವುದೆ adjudicationನ್ನಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ ಎನ್ನುವುದು, ಪೇಪರಿನಲ್ಲಿ ಅಲ್ಲಿನ ವಿಷಯ ಹೇಳುವುದೇ ಆಗಲಿ, ಚರ್ಚೆಮಾಡುವುದೇ ಆಗಲೀ ತಪ್ಪೆಂದು ಹೇಳುವುದೇ ರಾಮಂತ್ರಿಗಳು ಮತ್ತು ಹೋಮ್ ಮಂತ್ರಿಗಳು ಹೇಳುವ ವಾದ ಬಹಳ ದೂರ ಹೋಗುತ್ತದೆ". ನಾನಾವತಿ ಕೇಸ್ ಬಂದಾಗ ಪಾರ್ಲಮೆಂಟಿನಲ್ಲಿ ಈ ಪ್ರಶ್ನೆ ಬಂದಿತ್ತು ಹೇಗೆ! ಐಕ್ ಮನ್ ಕೇಸನ್ನು ಜಗತ್ತಿನ ಅನೇಕ ಕಡೆ ಚರ್ಚೆಮಾಡಿದರು! ಬೇಕಾದಷ್ಟು ಅಭಿಪ್ರಾಯ ಕೊಟ್ಟರು. ಅವರನ್ನು Try ಮಾಡಕೂಡದೆಂದೇ ಹೇಳಿದರು. ಆದರೂ judgementಗೆ ಏನೂ prejudice

ಆಗಲಿಲ್ಲ! ನಾವಿಲ್ಲಿ ಯಾರೂ, ಜಡ್ಜರು ತಪ್ಪು ಮಾಡುತ್ತಾರೆ, ಅಡ್ವೊಕೇಟ್ ಜನರಲ್ಲು ಇಂಥ ಅಂಶವನ್ನು ಹಾಕಬೇಕಾಗಿತ್ತು, ಅದನ್ನು ಹಾಕಿಲ್ಲ ಎಂಬುದನ್ನೇನೂ ಚರ್ಚೆಮಾಡುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಅದನ್ನು ಬಿಟ್ಟು ಪ್ರೊಹಿಬಿಷನ್ ವಿಚಾರ ಹೇಳುವುದಕ್ಕೆನೂ ತೊಂದರೆಯಿರಲಾರದು. ಫಾಲಿಡಾಲ್ ಬಿಟ್ಟು ಇದನ್ನೇಕೆ ಕುಡಿದ ಎಂಬುದನ್ನು ಹೇಳಬಹುದು. ಆಮೇಲೆ ಯಾರನ್ನೋ 'Arrest ಮಾಡಿದ್ದಾರೆ, ಇನ್ನು ಕೆಲವರನ್ನು ಮಾಡುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ವಿಷಯ imminent' ಎನ್ನುವುದಾಗಿದೆ, ಎಂದೆಲ್ಲಾ ಹೇಳುವುದು ಕಾಗೆ-ಗುಬ್ಬಿ ಕಥೆಯಾಯಿತು! ಆದ್ದರಿಂದ ಈ ಎಲ್ಲ ವಿಷಯಗಳನ್ನೂ ಗಮನಿಸಿ ಈ ನಿಲುವಳಿ ಸೂಚನೆಯ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡುವುದು 7ನೆಯ ಕ್ಲಾಜಿಗೆ ವಿರೋಧವಾಗುವುದಿಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—I have heard enough. Sri Krishna said that there were other books apart from those that were read out here.

Sri S. M. KRISHNA.—I do not have.

Mr. SPEAKER.—So far as the ruling is concerned, I will give a considered ruling very likely on Monday.

†ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸಭಾಪತಿಯವರೇ ಈ ವಿಷಯದ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡಬೇಕೇ ಬೇಡವೇ ಎಂಬುದಾಗಿ ಇತ್ಯರ್ಥ ಮಾಡಲು ವಿಚಾರ ಮಥನ ಮಾಡುತ್ತಾ ಎರಡು ದಿವಸಗಳನ್ನು ಕಳೆದಿದ್ದೇವೆ. ಇದು ಅತ್ಯಗತ್ಯವಾದ ವಿಷಯ. ಅನೇಕ ಜನ ಸತ್ತಿರತಕ್ಕ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟುದಾಗಿದೆ. ಇದರ ಅತ್ಯಾವಶ್ಯಕತೆಯನ್ನು ನೋಡಿಯೇ ಇದನ್ನು ಚರ್ಚಿಸಬೇಕೆಂದು ನಾವು ಸೂಚನೆಯನ್ನು ಕಳುಹಿಸಿದ್ದೇವೆ. ಹೀಗಿರುವಲ್ಲಿ ತಾವು ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡುವ ವಿಷಯದಲ್ಲಿ ಸೋಮವಾರ ತಮ್ಮ ರೂಲಿಂಗ್ ಕೊಡುವುದಾಗಿ ಹೇಳಿದ್ದೀರಿ. ಇದೇ ರೀತಿಯ ಒಂದು ವಿಷಯ ಹಿಂದಿನ ಸಭೆಯಲ್ಲೂ ಬಂದು, ಆಗ್ಗೆ ಅಡ್ವೊಕೇಟ್ ಜನರಲ್‌ರವರ ಅಭಿಪ್ರಾಯವನ್ನೂ ಪಡೆದು F.I.R. ಹಾಕಿದ್ದ ಮಾತ್ರಕ್ಕೇ Pending Adjudication ಆಗುವುದಿಲ್ಲವೆಂದು ಒಂದು ತೀರ್ಪು ಕೊಟ್ಟಿದ್ದಾರೆ. ಈ ಸಭೆ ಸತ್ಸಂಪ್ರದಾಯಗಳನ್ನು ಹಾಕಬೇಕು. ಈ ಹೊತ್ತು ನಾವು ಯಾವ ಸಂಪ್ರದಾಯಗಳನ್ನು ಹಾಕುತ್ತೇವೆ ಅದು ಅಜೀವ ಪರ್ಯಂತ ನಡೆಯುತ್ತದೆ. ಮತ್ತು ಉಳಿಯುತ್ತದೆ. ಈ ಶಾಸನ ಸಭೆ ಉಳಿಯುವುದೂ ಅಂಥ ಸತ್ಸಂಪ್ರದಾಯಗಳಿಂದ. ಸಂಪ್ರದಾಯಗಳನ್ನು ಹಾಕುವುದರಿಂದ ಪ್ರಜಾಪ್ರಭುತ್ವದ ಏಳಿಗೆಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಹಿಂದೆ ಇಂಥದೇ ಒಂದು ವಿಷಯ ಬಂದಾಗ ಪೋಲೀಸಿನವರು ಒಂದು FIRನ್ನು ಕೊಟ್ಟಿರತಕ್ಕ ಸಂದರ್ಭವಿತ್ತು. ಅದು ಯಾವುದೋ ಹೆಂಗಸಿಗೆ ಮಾನಭಂಗ ಮಾಡಿದ ವಿಚಾರದ್ದು. ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಚರ್ಚೆಗೆ ಅವಕಾಶವಿದೆಯೆಂದು ತೀರ್ಪು ಕೊಡಲ್ಪಟ್ಟಿತು. ಈಗ ನಮ್ಮ ಮುಂದಿರುವ ವಿಚಾರ ಇನ್ನೂ ಗುರುತರವಾದುದು. ಸರ್ಕಾರದವರು ತಾವು ಮಾಡಬೇಕಾದ ಕೆಲಸವನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಮಾಡಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದೇವೆ. ಸರ್ಕಾರದವರೇನೋ ಸಮಜಾಯಿಸಿ ಕೊಡಬಹುದು. ಆದರೆ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ಇದರ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಟ್ಟರೆ ಈ ಚರ್ಚೆ ಪರಿಣಾಮಕಾರಿಯಾಗಿರುತ್ತದೆಂದು ಹೇಳುತ್ತೇನೆ. ತಾವು ದೀರ್ಘವಾಗಿ ಆಲೋಚನೆ ಮಾಡಿ ಒಳ್ಳೆಯ ಸತ್ಸಂಪ್ರದಾಯಗಳನ್ನೂ ಹಾಕಬೇಕೆಂದು ಹೊರಟಿದ್ದೀರಿ, ನಿಜ. ಅದನ್ನು ನಾನು ಇಲ್ಲವೆಂದು ಹೇಳುವುದಿಲ್ಲ. ಆದರೆ ಈ ವಿಷಯದಲ್ಲಿ ಆಗಲೇ ಒಮ್ಮೆ ತೀರ್ಪು ಕೊಡಲ್ಪಟ್ಟಿದೆ. ಅದಕ್ಕೇ ನಾವು ಬದ್ಧರಾಗಿ ಅದನ್ನೇ ಅನುಸರಿಸಿಕೊಂಡು ಹೋದರೆ ಈ ಶಾಸನಸಭೆಗೂ ಕಳೆ ಬರುತ್ತದೆ. ನಮಗೂ ಅವಕಾಶ ಕೊಟ್ಟಂತಾಗುತ್ತದೆಂದು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—After discussing it for five hours, if he thinks that the matter is so simple that here on the dais itself I can pronounce a ruling, I would have considered then the suggestion made by Sri Revannasiddappa. I am saying in the afternoon we are not sitting today. Today is Saturday. Tomorrow is Sunday. Monday, I will try to give the ruling. Does the Hon. Member think that I can straightaway decide? I cannot decide it like that.

ಶ್ರೀ ಕೆ. ಪಿ. ರೇವಣ್ಣ ಸಿದ್ದಪ್ಪ (ತಿಪಟೂರು).—ಅಷ್ಟರೊಳಗೆ ಚಾರ್ಜ್‌ಷೀಟ್ ಹಾಕಿದರೆ?

Mr. SPEAKER.—I have suggested that the charge-sheet may not be filed. Beyond that, I cannot do anything. Now we will take up discussion on the Mysore Agricultural Income Tax (Second Amendment) Bill, 1962.

MYSORE AGRICULTURAL INCOME TAX (SECOND AMENDMENT) BILL, 1962.

Motion to consider—(Continued).

Sri B. D. JATTI (Minister for Finance).—Yesterday I made it very clear that excepting the super-tax we are not going to press the other clauses which have been put in the Bill. It is not necessary to discuss other clauses. The only point is wherever the question of super-tax comes, to that extent the Government have moved amendments and other clauses we are not going to press.

†ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಸರ್ಕಾರದ ಪರವಾಗಿ ಮಾನ್ಯ ಹಣಕಾಸಿನ ಸಚಿವರು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರುವ 1962 ನೆಯ ಇನವಿಯ ವ್ಯವಸಾಯದ ಉತ್ಪನ್ನಗಳವೆ ೀಲನ ಆದಾಯ ತೆರಿಗೆಯ ಸಂಬಂಧದಲ್ಲಿ ಇರುವ ಎರಡನೆಯ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ನಾನು ತೀವ್ರವಾಗಿ ವಿರೋಧಿಸುತ್ತೇನೆ. ಈ ಮಸೂದೆಯನ್ನು ಚರ್ಚೆ ಮಾಡುವ ಅವಶ್ಯಕತೆ ಕೂಡ ಇಲ್ಲವೆಂಬುದು ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳ ಅಭಿಪ್ರಾಯ. ಅದು ಅವರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯವೆಂದು ಕಾಣುತ್ತೆ.